

Serial No.: 09/689,533

### REMARKS

Claims 1-21, 23-25 and 27-35 are pending in the application. Claim 25 has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

**I. REJECTION OF CLAIMS 1-6, 8-21, 23-25 AND 27-35 UNDER 35 USC §103(a)**

Claims 1-6, 8-21, 23-25 and 27-35 stand rejected under 35 USC §103(a) based on *Davis* in view of *Assar et al.* Withdrawal of the rejection is respectfully requested for at least the following reasons.

**Claim 1:**

Claim 1 recites a read step of reading out a last piece of information which has been written in the information storage area *within a predetermined permitted update count*. Such feature is advantageous as it allows a user to update information only a limited number of times, thereby preventing illegal alterations from becoming widespread. (See, e.g., Spec., p. 10, Ins. 30-33).

The Examiner admits that the above feature is not described in *Davis*. However, the Examiner contends that *Assar et al.* describes such feature of reading out a last piece of information which has been written in the information storage area *within a predetermined permitted update count*. (Citing Col. 6, ln. 56 to Col. 9, ln. 4).

*Assar et al.* is directed to the reshuffling of data files in mass storage blocks so as to level erase cycles. Flags are used to monitor the state of each storage block (e.g., number of erase cycles, etc.).

However, *Assar et al.* does not teach or suggest reading out a last piece of information which has been written in the information storage area *within a predetermined permitted update count*. *Assar et al.* describes a read instruction where the apparatus concatenates all appropriate flags and if a match is found in the memory, the data file is read. (See, e.g., Col. 8, ln. 61 to Col. 9, ln. 4).

Serial No.: 09/689,533

While a read operation may occur in *Assar et al.*, there is no limit as to the amount of times this may occur. The limits imposed in *Assar et al.* are in conjunction with the number of erases of a particular storage block.

Furthermore, *Assar et al.* does not teach or suggest reading out a *last* piece of information, as claimed in claim 1. The read instruction described in *Assar* could be for any information.

In addition, a person skilled in the art would not be motivated to combine the teachings of *Davis* and *Assar et al.* *Davis* and *Assar et al.* are directed to tracking erase cycles in completely different manners. The arrangement of *Assar et al.* that results in extending the life of the entire mass storage is *not* due to a read operation, as argued by the Examiner. Rather, such extending the life of the entire mass storage is actually caused by the *entire operation*, from the use of a particular algorithm, of the device in *Assar et al.*

Therefore, a person skilled in the art would not be motivated to combine *Davis* and *Assar et al.* since they are simply two different approaches to a similar problem. There is no indication of how such different approaches could be combined, and even if combined the claimed invention would not result.

Claim 1 further recites that information can be erased from the non-volatile memory *in a unit of sectors*. The sectors include a plurality of WORDs. The Examiner contends that this limitation is met by *Davis*. However, *Davis* describes that an active wear-bar block (which the Examiner cites as equivalent to a WORD) is completely erased while an inactive wear-bar block becomes active, and the role of the two wear-bar blocks is reversed. (See, e.g., Col. 3, Ins. 20-24).

As a result, it is clear that only one wear-bar block is erased each time. Therefore, *Davis* does not teach or suggest the limitation that information can be erased from the non-volatile memory in a unit of *sectors*.

**Claim 12:**

Claim 12 defines an apparatus including a microprocessor unit for reading out a last piece of information which has been written in the at least one WORD of the

Serial No.: 09/689,533

information storage area within a predetermined permitted update count, similar to claim 1. Accordingly, claim 12 may be distinguished for at least the same reasons as set forth above with respect to claim 1.

*Claim 21:*

Claim 21 is directed towards a contents count managing method. Claim 21 recites that the contents usage count storage area of the non-volatile memory is in a sector which includes a first program to be executed after a reset.

An advantage of this feature is that when data stored in the storage area is erased, data in the program area is also erased. Therefore, if the program area is erased, the microprocessor unit cannot be initialized properly so that the MPU goes out of control. Thus, the user can change the regional information only a predetermined number of times. (See, e.g., Spec., p. 23, Ins. 25-31).

The Examiner asserts that this feature is taught in *Davis* at Col. 4, lines 10-41. However, applicants respectfully submit that this portion of *Davis* simply describes that the memory device includes a storage section and a wear-bar section, and the alteration of the wear-bar blocks to be active, including the information of number of erasures.

*Davis* is silent as to a sector which includes a first program to be executed after a reset. Also, *Davis* is silent as to any contents usage count storage. The present applications describes that a content usage count is a count of the number of plays and copies made. (See, e.g., p. 3, lines 20-21). *Davis*, on the other hand, is directed to the number of erase cycles.

Therefore, *Davis* does not teach or suggest a contents usage count storage area of the non-volatile memory in a sector which includes a first program to be executed after a reset. Nor does *Davis* teach or suggest the advantages associated with such a feature. Moreover, *Assar et al.* does not make up for this deficiency in *Davis*.

Serial No.: 09/689,533

**Claim 25:**

Claim 25 is an apparatus claim corresponding to method claim 21, and can be distinguished over the teachings of *Davis* and *Assar et al.* for at least the same reasons described above.

**Claim 29:**

Claim 29 recites that the microprocessor unit searches for and reads out a last piece of information which has been written in the information storage area *within a predetermined permitted update count*. This feature is similar to that discussed above in relation to claim 1. Accordingly, claim 29 can be distinguished for at least the same reasons.

As a result, independent claims 1, 12, 21, 25 and 29 are patentably distinguished over the teachings of *Davis* and *Assar et al.*, whether taken alone or in combination. Moreover, the remaining dependent claims can be distinguished for at least the same reasons as the claims from which they depend. Withdrawal of the rejection is respectfully requested.

**II. REJECTION OF CLAIM 7 UNDER 35 USC §103(a)**

Claim 7 stands rejected under 35 USC §103(a) based on *Davis* in view of *Assar et al.*, and further in view of *Sawabe*. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 7 depends from claim 1 and can be distinguished over *Davis* and *Assar et al.* for at least the same reasons. *Sawabe* does not make up for the above-discussed deficiencies in *Davis* and *Assar et al.* Thus, withdrawal of the rejection is respectfully requested.

Serial No.: 09/689,533

### III. CONCLUSION

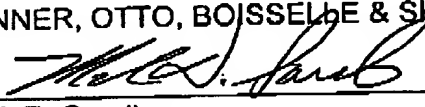
Accordingly, all claims are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: February 5, 2004

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